

Democrat and Sentinel.

THE BLESSINGS OF GOVERNMENT, LIKE THE DEWS OF HEAVEN, SHOULD BE DISTRIBUTED ALIKE, UPON THE HIGH AND THE LOW, THE RICH AND THE POOR.

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Free Speech and Free Press.

ADDRESS OF COLONEL JAMES W. WALL.

There are very many brave men now, who are the people, by a verdict administered to the Administration. But as a part of the history of the times, we will refer to the speech delivered by Colonel Wall, upon the reception given to the citizens of Burlington, N. J., on the return from Fort La Fayette. Col. W. was the first man, too, to rebuke the Postmaster General for his unconstitutional action in regard to interfering with newspapers in the mails. On the 25th August, 1861, he wrote as follows: "Your recent high-handed, unconstitutional act, in stopping certain newspapers from being circulated in the mails, will be as it deserves, the indignant protest of every freeman. If the proscribed papers have reflected severely upon the Administration, they had a right to do so in a Republic, where it has been our most cherished boast that the acts of our rulers are open to the most rigid scrutiny. In fact, the right of examining into the characters of our public servants, and commenting freely upon their public conduct, is the sentinel standing at the door, and effectually guarding every other right. If the people relinquish this, they richly deserve to be slaves."

The letter goes on to invite the attention of the Postmaster General to the sentiments of his father and father-in-law, in times past, upon the Freedom of the Press and its sanctity, and closes with the following:

"Now, be your edict, you have assumed to dictate to me what political papers I may receive. From what clause in the Constitution do you derive this power? If I am in favor of peace, I have a right to be, and if I chose to subscribe to or write for a journal in favor of peace, you have no right to forbid it. I am in favor of a speedy peace, and opposed to this cruel fraternal strife, and I will work for it, write for it, pray for it, do anything in my power to bring about a speedy and honorable peace, and I will work for it, in defiance of all the imperial ukases that may be sent forth from Washington. Do you intend also to wage war against peace-loving citizens of the north, whose only crime is, in loving the old Constitution so well, that they cannot possess their souls in patience, when they behold the far-famed 'higher law' substituted in its place?"

This is the letter that the New York Tribune denominated as "the most insolent and most of the terrible Abolition screed called" for the arrest of the traitor. A week afterwards he was arrested and confined in Fort La Fayette, and released after two weeks confinement. The subsequent speech was delivered at the reception given him on his return to his home. Last winter he addressed a lengthy and powerful address to the Legislature setting forth the outrage, and demanding that the body should take some action by way of protest against this invasion of the rights of the officers of the Federal Government; but the Committee having the honor in charge were not equal to the occasion, and they passed it by, giving it the cold shoulder. The recent elections have put a back bone into some men.

The following is the speech referred to: "Fellow Citizens—My heart is full of joy—so full that I can scarce give adequate expression to the deep emotions that crowd upon me as I look upon this magnificent demonstration. What a striking contrast to the melancholy scene, a fortnight ago, when I was dragged helplessly from these steps, torn mercilessly from the clinging embraces of the ones at home, and consigned to the tender mercies of the brutal military despotism that rules with iron sway within the gloomy walls of the American Bastille. This enthusiastic reception, my friends, these shouts of welcome; these bright and happy faces; these beautiful smiles beaming in my pathway by such cheering light of these cheering torches, all unite to convince me how lovingly you bear me in your hearts. Such a reception is the more grateful to me, because it wears a double significance. It assures me, in the first place, that you, my neighbors and friends, among whom I have gone in and out so many years, deeply sympathize with me in the wrongs and outrages to which I have been subjected. In the second place, it is a manifestation, strong as Holy Writ, that you believe that I am wholly innocent of any charges of disloyalty, or any imputation upon my fair fame as a constitutional-loving citizen. Charges! I say? Why, my friends, would you believe it? From the hour that I was taken from my home, through the long and tedious days of my imprisonment, up to this joyous moment when I look out, once

more a freeman, over these numerous kindly, glad faces, now upturned to greet and cheer me, I have not been able to learn what those charges are? I have in vain demanded of the Government the nature of the charges, and claim the Constitutional privilege of being informed of the nature and cause of this accusation, and to be confronted with the witnesses against me. But up to this hour, the grave could not have been more silent. Great Heavens! is it possible that such things can be under a Constitution whose boast it has been that it was for the protection of the inalienable rights of men against all oppression? If this boast has been in vain, then it has but a name to live—an outer seeming, to beguile and to deceive—a Sodom apple, a hectic flush, painting the cheek upon which it prevails.

The liberty I claim under that Constitution, is not the liberty of licentiousness—it is the liberty united with law, liberty sustained by law, liberty regulated by law; and that kind of liberty is guaranteed to every man, rich or poor, high or low, proud or humble, under all exigencies, whether in peace or war, and whether that war is foreign, or the State be in the fearful throes of civil strife. If the obligations we enter into to part with a portion of our absolute rights when we assume the bonds of civil society, be not complied with, the State must enforce her remedies against the citizen can be deprived of his life, his liberty or his property "without due process of law." He may be made to part with all three by the power of the State, but that power must see to it, that in its exercise it does not overstep the limits in which it is appointed to move. If it does, it becomes despotic; and then, among men who know their rights, resistance follows as naturally as light succeeds to darkness. If, by a simple mandate of any Cabinet officer, in a State loyal to the Union as this has been, and when the courts of law are open, you or I may be torn from our homes, without cause shown, and consigned to the gloomy walls of a Government fortress, the same mandate, only altered in its phrasing, may consign us immediately into the hands of the executioner or deprive us of our properties, confiscating them to the State. The right to have our lives secure against interference without due process of law, is equally guaranteed in the same clause that protects our liberty and our property. Do you know, my friends, how old these privileges are? They can trace their lineage back to the days of the mail-clad Barons, and these feet have stood reverentially upon the grassy lawns of Runnymede, where those great privileges were born more than six hundred years ago. They were extorted by the rebellious Barons, then and there from the tyrant John, and uttered in glowing language that has come down to us through the long vista of ages, and is still sounding in our ears as the sweetest note that ever came from the clarion of freedom. Listen to its music, strong and sweet as it sounded in the solemn midnight, centuries ago: "No freeman shall be seized or imprisoned, or diseased or outlawed, or in any way destroyed, nor will we go upon him or send upon him, except by the judgment of his peers or by the laws of the land." Keep in remembrance that there is no saying of the King's prerogative in Magna Charta. As Sir Edward Cook to King Charles I; "Magna Charta is such a fellow that he will have no sovereign." Therefore all this nonsense about the necessities of the hour justifying these high-handed outrages upon the liberty of the subject, may as well cease, or those who resort to such justification are either knaves or fools. The freeman who secured their Petition of Right from Charles in 1628, comprehended this fully, and they never ceased their importunities until they made the King confess: "My maxim is, that the people's liberties strengthen the King's prerogative, and the King's prerogative is to defend the people's liberties;" and so it is with State's prerogative—it can only be used to defend and strengthen our liberties, not to destroy them. The instant you make the admission that the prerogative of the State is more potent than the liberties of the people; that moment the very vitality of your government is destroyed, and you become the slaves of a vile despotism. Constraint is the natural parent of resistance, and this doctrine is by no means novel. It is as old as the days of Lucian. The pleasant story in that fable of his has its moral in our time. Jupiter and a countryman were conversing with each other with familiarity upon the subject of Heaven and Earth. The countryman listened with great attention, and acquiesced in Jupiter's sentiments as long as Jupiter

tried to convince him by reason and argument, but the rustic happening to hint a doubt as to the truth and propriety something which the god had advanced, Jupiter immediately threatened him with his thunderbolts. Now, said the countryman, you threaten me with your thunder, I know you must be wrong; as long as you resort to reason, you may be right, but whenever you appeal to thunder, I know you are wrong.

There is a moral in this pleasant little fable, which the Government would do well to lay at heart. As long as it reasons with the people, and endeavors within its constitutional limits to use all the energies of the State in this present war, it may retain the confidence and co-operation of that people, but the instant it commences to launch its thunders against the rights of personal liberty, the right of free discussion and a free press, that moment the feelings of the people revolt, and like the countryman with Jupiter, "they know it is in the wrong." It is bad enough to have the Executive sanctioning violations of the Constitution, but to have Judges in the land vying with each other who can be the most servile in sanctioning such usurpations, is only reviving the memory of those corrupt judges who gave a judgment for the crown in the matter of ship money, in the time of the said Charles. Said Justice Cawley, of the Common Pleas—"the laws know no King yoking policy"—the law in itself is an old and trusty servant of the King—it is his instrument. I never heard that lex was rex, but it is common and most true that rex is lex." Vernon, another disgrace to the ermine, gave his opinion in these servile words:—"The King pro bona publica, may charge his subjects for the safety and defence of the realm, notwithstanding any act of Parliament, and he may even dispense the laws in case of necessity." It would appear that we have Vernon's and Cawley's in our day.

In the days of Charles, too, they had "for Thorough." For the State and its exigencies, threatened with rebellion, I am for Thorough," said Laud. By this word Thorough, this bold primative meant thorough absolutism in the crown, thorough muzzling of the press, thorough checks upon the license of the tongue, and the liberty of the subject. The wagging tongue he stilled with hot scorching iron—and the sin of libeling the State, by cropping the ears of the offender. My friends, we have just such men all around us to-day. They are here in your midst, listening to the words that fall from my lips—men who reason now just as Laud and Strafford reasoned then—just as Cardinal Granville and the infamous Duke of Alva reasoned before them. And what was the result of Laud's and Strafford's plotting against the liberties of the subject? Both perished on the scaffold—and Prince with stumps of "his poor lost ears" rooted out by Laud's knife and his cheeks branded with glowing iron for his libels upon the Senate, yet lived to conduct the impeachment against the proud prelate, of whose relentless power he had been so often the victim. Tyranny, like any other vice, has its day of retribution, and will sooner or later perish with its victims. Remember that our Constitution is only a formal Declaration of principles held to be true centuries ago. The Constitution created no new principles. "There are certain primary rights," says Kent, "which, under our Constitution, the government cannot in any emergency arbitrarily interfere with; among these are the liberty of the person, the liberty of speech and of the press. These are rights inestimable to freeman only."

Our fathers caught the inspiring strain from Magna Charta, and it was prolonged in those sonorous tones sounding forth from our own glorious Constitution; "No one shall be deprived of life, liberty or property without due process of law." Cherish, my friends, these great rights thus guaranteed to you by your Constitution; never surrender them; never allow them to be compromised or gainsayed, for they constitute the Keystone of the Arch of Freedom. Once destroyed, and the sun of liberty is extinguished in your sky, and the dark and horrid night of Despotism will wrap you in its gloomy embrace forever. We only call that government free, which not only shelters its subjects from the injustice of the many, but the tyranny of the one or the few.

We, as a people, are free, because from ancient times there came laws written as if with the finger of the highest. Free, because to us, in this day, it was thought conscience and opinion were free. It is a great thought that the law of the land recognizes there is a part about every man's affairs so sacred that it must

not be crossed by inquisition and inquiry. The personal freedom of the citizen from all illegal arrest; the freedom of his heartstone from arbitrary invasion, and the freedom of conscience from all manner of restraint; these constitute the Urim and Thummin, the breastplate of light and truth round the heart of an American citizen in the time of trial and danger; and when he demands rights that have not been conceded to him, they will impart a rich eloquence to his tongue, the wisdom of authority, and the mighty pathos of invaded justice to his lips. I, for my part, come weal or woe, will demand at the hands of the legal tribunals of my country, full redress for all the wrongs and outrages that I have been made to suffer. There are dastardly wretches in your midst, who, I understand have been instrumental in this arrest, and for whom I have no regard, and utterly despise. They will be sheltered by their own insignificance; but there are others who shall be made to answer before the tribunals the law has erected for the redress of injuries. I know that there are many pseudo patriots in your midst, whose selfish regard for their personal safety has kept them close at home to spit their spite and venom upon other men, and with whom, as Aristophanes describes the Athenians,

"No matter what the offence,
Be't great or small,
The cry is treason and conspiracy."

These unprincipled politicians are waiting for chances when they can fasten like vampires on the flanks of the Government, and suck sustenance from this war, and not death. In order to ingratiate themselves with the Administration, they spend their time, like noxious spiders, in spinning webs whose threads are spun from their own fabricating brains with which to catch and entangle the unwary. Let the Administration beware of these Johnny Hooks, these shoddy patriots—they are enemies to this Government. To those of you who are really and honestly loyal to the Constitution and the Union, who, in times past, have struggled for preservation, and are still laboring to the same end, in the midst of all the trials and dangers that seem to be threatening the overthrow of Constitutional liberty; oh! have an abiding faith in the future.

Remember, that though liberty may be crushed to the earth for a time, and wear the garments of heaviness, that the hour must come when she shall assert her supremacy once again, put on her glorious apparel, gird her sword upon her thigh, and make oppression and disloyalty take refuge in their dens. Have an abiding faith in the stern truth expressed in those glorious lines of Bryant:—
"Truth, crushed to earth, shall rise again,
The eternal years of God are hers;
But Error, wounded, writhes with pain,
And dies among her worshippers."
I bid you a most affectionate good night.

The Case of Dr. Olds.

Dr. Edson B. Olds, recently released from imprisonment in Fort Lafayette, had a grand reception at Lancaster, Ohio,—his place of residence—on Saturday, the 20th ult. No less than 12,000 people participated in the ovation. Mr. C. D. Martin made the welcoming speech, to which Dr. Olds replied at length. From the Doctor's remarks we extract the following:

On the 12th of August last, after 10 o'clock at night, my house was forcibly entered by three government ruffians, who, with violence, seized my person, and, holding a revolver at my head, demanded my surrender. During the time they were making such repeated and violent efforts to burst open my door, they gave me no intimation that they were Government officers, or that they had any Government authority for my arrest. They came like assassins and robbers,—they behaved like assassins and robbers; and, had I not been informed by the hostings of certain Abolitionists that affidavits designed to cause my arrest had been forwarded to the War Department, I should most undoubtedly have taken these Government ruffians for midnight robbers.

When, after my capture, I demanded to know by what authority they had thus rudely broken into my room, and by what authority they had thus seized my person, they very grudgingly informed me that they were acting under authority of the War Department. I then demanded to be shown their warrant. They informed that I had no right to make any such demand—that the order which they held was for their protection, and not for my gratification. They permitted me to see it.

The document was signed by the Assistant Secretary of War—was dated at Washington City, August 2d, 1862. It was directed to W. H. Scott, and com-

missioned him to take with him one assistant, and to proceed to Lancaster, Ohio, and arrest Edson B. Olds, and to convey him to New York, and to deliver him to the commanding officer at Fort Lafayette; and that, if he was resisted in the execution of the order, he was directed to call upon Gov. Todd, of Ohio, for such assistance as might be necessary.

The order contained no intimation of the "nature and cause" of the accusation against me; it charged me with the commission of no offence whatever; and when I demanded of my captors what were the charges against me, they replied they "did not know."

I have no doubt but what the ruffians had called upon Gov. Todd for assistance before proceeding to Lancaster to execute their order, as they had with them a big double-fisted bully from Columbus, who informed me that his name was Bliss, and that he had once belonged to the Democratic party, and that he had met me in Democratic conventions at Columbus.

These government ruffians were directed to "peaceably" arrest me. Yet with violence they burst open the door of my room, and with a revolver at my head they arrested me. They came at the hour usually selected by robbers and assassins to break into men's houses and commit deeds of violence, and had I been armed I should have shot them down as robbers and assassins. I have reflected much on the manner of my arrest, and I have come calmly and deliberately to the conclusion that I should have been justified, both by the laws of God and man, had I have killed these ruffians whilst breaking into my room, as I most assuredly would have done had I been armed, and as I certainly would do, had the act to be done over again. It would have taught Mr. Lincoln and his minions that, when they set aside the laws and the Constitution, the rifle, the revolver and the bowie knife at once become the supreme law of the land.

Thus, my friends, was I dragged from a sick bed, for I was, at that time, and for many long and weary days and nights afterwards, seriously afflicted with an attack of the bloody flux. In this condition I was hurried into a carriage, and, during the remainder of the night, driven to Columbus, and just at daylight placed upon the cars and taken in my sick and exhausted condition, without a moment's delay, to Fort Lafayette.

The order for my arrest charged me with the commission of no crime known to any law of my country. Nay, more, it charged me with no crime whatever. You may well imagine, then, my surprise and indignation when, on arriving at Fort Lafayette, I was ordered to strip myself, that I might be searched. To make, if possible, such an insult greater to a free-born American citizen, I was taken into a side room, where around me lay in heaps manacles, chains, and handcuffs. With such surroundings I was stripped and searched, and my watch, my money, my spectacles, my shaving apparatus, and even my medicines, were all taken from me. I was not permitted to retain even an old newspaper, or a bit of waste paper of any kind.

After this degrading operation had been performed, and before conducting me from the commandant's room to my dungeon, all the other prisoners about the fort were locked into their rooms, that I might not be seen and recognized, lest, peradventure, information might be given to the world and my friends of my whereabouts, and the cruelties about to be practiced upon me. One of the prisoners, having learned a few days afterwards, through the medium of the newspapers, who the mysterious stranger was, wrote to a friend of his "that Dr. Olds, of Ohio, had been brought to Fort Lafayette and placed in solitary confinement." His letter was returned to him by the commandant, requesting him to strike out so much of it as referred to the case of Dr. Olds.

My dungeon was on the ground, with a brick pavement or floor over about one-half of it; and so great was the dampness that in a very short time a mould would gather upon any article left upon the floor. My bed was an iron stretcher, with a very thin husk mattress stretched upon it—so thin, indeed, that you could feel every iron slab in it the moment you lay down upon it. The brick floor, with all its dampness, would have been far more comfortable than this iron and husk bed, had it not been for the rats and the vermin that infested the room. I had also in my room a broken table and a chair.

A chunk of Government bread, with an old, stinking, rusty tin of Lincoln coffee, with a slice of boiled salted pork was my fare. My only drink, other than their nasty coffee, was rainwater. I was furnished with no towel, neither could I any entreaty procure one for me. Neither

could I induce my jailors to let me have a candle during my long, tedious sick nights. No entreaty could procure for me the return of the medicine which had been taken from me when I was searched. Again and again I begged for the little bit of opium to relieve my suffering, which had been taken out of my pocket with my other medicine, but all in vain.

After ten days of such treatment and such suffering, late one night, the serjeant of the guard brought me some medicine which, he informed me, the Surgeon at Fort Hamilton had sent me. This Surgeon knew nothing about my case, having never seen me, or been informed by me of my condition. With no light in my cell, with no one to give me even a drink of my rain water, you can well imagine that I would not take the medicine. I did not know but that my jailors designed to poison me. Their previous treatment justified such an opinion. I made up my mind that if I died in Fort Lafayette, I would die a natural death, unless indeed Lincoln ordered me to be tried by drum head court martial and shot, which I felt he had just as much right to do as he had to arrest and imprison me in the manner he had done. Under such treatment, and by this time, you may well imagine that I had got a "big mind" on me; and this, I think, helped to save my life, for the truth is, I had got to be too mad to die, and no thanks to Lincoln, but, under a kind Providence, I began to get better from that time on.

You can well imagine that after such treatment, when my son was permitted to visit me, he found me "emaciated and exhausted." The only wonder is that he found me alive.

If anything could add to the cruelty inflicted upon me during these long days and nights of my sickness and suffering, it was the refusal of the Commandant to allow me the use of a Bible. Day after day I begged the serjeant to procure one for me. His constant answer was, "the commanding officer says you shan't have one." I begged him to remind the commanding officer that we lived in a Christian, and not in a heathen land—that I was an American citizen, and not a condemned felon. Still the answer "was," "the commanding officer says you shan't have one, and you need not ask any more;" and it was not until after sixteen days of such more than heathenish treatment that Col. Burke, of Fort Hamilton, upon the importunity of my son, sent an order to the Commandant of Fort Lafayette to let me have a Bible.

It was upon the sixteenth day of my lonely imprisonment, that my son, upon an order of the Secretary of War, was permitted to see me, not in my lonely cell, but in the Commandant's room and presence. It was with much difficulty that, even at that time, I was able to walk from my cell to the Commandant's room. This was the first time during my imprisonment, that I had been able to obtain an interview with the Commandant. In his weekly inspection of the prisoners, he had carefully avoided my dungeon. No kindly message or inquiry as to my wants and condition had ever reached me from him. I seized upon this opportunity to let him know that I was a human being, and, as such, entitled to human treatment—that such a thing as refusing a prisoner a Bible was unknown in any civilized community. His answer was, that he was not permitted, under his orders, to let me have one.

I had great reason to be thankful that my son's visit gave me an opportunity to see the commandant, for from that time, although kept in solitary confinement, my condition was made more comfortable. A better mattress was put upon my bed, occasionally a raw onion or a tomato was added to my dinner, and twice, I believe, some pickled beets were sent to me from the cook room.

My son was compelled to visit Washington city and obtain from the Secretary of War an order to that effect before he could see me. As soon as he learned how I had been treated, he returned immediately to Washington, and, with the assistance of a very kind friend, procured an order from Secretary Stanton, for my release from solitary confinement, and that I should have all the privileges accorded to the other prisoners. And thus, after twenty-two days of this lonely and worse than heathenish treatment, my dungeon door was unlocked, and I was permitted to hold intercourse with my fellow prisoners.

Such, my friends, is a plain statement of the manner of my arrest, and the treatment I received during the twenty-two days of my solitary confinement. If it affords any gratification to those republicans who caused my arrest, they are welcome to it. Their time will come some day. "The end is not yet."